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OFFICE OF PETITIONS

In re Application of :
Gambla et al. :
Application No. 10/792235 :
Filed: 03/03/2004 :
For: MALE TOILET SPRAY SHIELD :

ON PETITION

This is a decision on the "PETITION TO REVIVE," filed January 26, 2007, which is being treated as a petition under 37 CFR 1.137(b).

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed on January 5, 2006, which set an extendable one-month period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 6, 2006. A Notice of Abandonment was mailed on August 18, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply; (2) the petition fee; and (3) an adequate statement of unintentional delay. The Office notes that 37 CFR 1.137(b)(3) requires a petitioner to submit a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." However, the statement presented will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the present petition.

Accordingly, the petition under 37 CFR 1.137(b) is **GRANTED**.

The current fee of \$750.00 for filing a 37 CFR 1.137(b) will be charged to the Deposit Account, as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3751.

Christina Tartera Donnell

Christina Tartera Donnell
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